



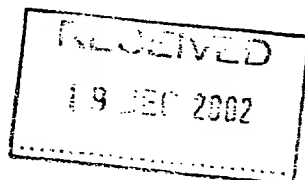
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| DOE 26/1/03 | ENTD FOR KMN |
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| Datum/Date 16.12.02 |
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| Zeichen/Ref./Réf. KMN/FP5796370 | Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n° 98908564.2-2110/US9803000 |
| Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire ONCOIMMUNIN, INC. | |

COMMUNICATION

The European Patent Office herewith transmits the partial European search report under Rule 46(1) EPC relating to the above-mentioned European patent application.

Copies of the documents cited in the search report are enclosed.

The applicant's attention is drawn to the following:

The search Division informs the applicant that if the European search report is also to cover inventions other than the invention first mentioned in the claims, a further search fee must be paid for each of these inventions, within ONE MONTH after notification of this communication.

If the application has been filed up to 30 June 1999, the search fee in force before 01 July 1999 (EUR 869,-) or the equivalent applicable on the date of payment is payable.

This applies also to the search fees requested under Rule 46(1) EPC.

See also OJ EPO 06/1999, 405.

Moreover, the Search Division considers that the present European patent application does not comply with the provisions of the European Patent Convention to such an extent that it is not possible to carry out a meaningful search into the state of the art on the basis of some of the claims; reference is made to sheet C, which is attached to the search report.

☐ The abstract was modified by the Search Division and the definitive text is attached to the present communication.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) attached as well.

Note to users of the automatic debiting procedure:

Unless the EPO receives prior instructions to the contrary, the search fee(s) will be debited on the last day of the period for payment. For further details see the Arrangements for the automatic debiting procedure, Supplement to OJ EPO 02/1999.

REGISTERED LETTER





The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely:

1. Claims: 1- 29 complete, 30- 35 partially

Compounds and method of claims 1 to 29, method of claims 30 to 35 in as far as the method relates to compounds of claim 1

2. Claim : 30 ro 35 partially

Method relating and involving molecules other than compounds of present claim 1.

Present claim 30 relates to a general method for delivering a molecule into a cell. The claimed method delivers not only compounds for the detection of protease activity of present claim 1 but also any compounds attached to a fused ring structure in general.

Since WO-A-9613607 provides a structural concept for compounds useful for the detection and mesurement of protease activity similar to present claim 1 no common technical feature is apparent linking the compounds for detection of claim 1, method of detection of claim 19 together with the general method for delivering a molecule into a cell other than compounds of present claim 1. Therefore for this subject- matter the requirements of Article 82 EPC are not met and non- unity 'a priori' and 'a posteriori' is indicated.



European Patent
Office

INCOMPLETE SEARCH
SHEET C

Application Number
EP 98 90 8564

Although claims 30 to 35 are directed to a method of treatment of the human/animal body (Article 52(4) EPC), the search has been carried out and based on the alleged effects of the compound/composition.



European Patent
Office

**SUPPLEMENTARY
PARTIAL EUROPEAN SEARCH REPORT**

Application Number

under Rule 46, paragraph 1 of the European Patent Convention
EP 98 90 8564

| DOCUMENTS CONSIDERED TO BE RELEVANT | | | |
|---|---|---|--|
| Category | Citation of document with indication, where appropriate, of relevant passages | Relevant to claim | CLASSIFICATION OF THE APPLICATION (Int.CI.6) |
| X | WO 96 13607 A (PACKARD BEVERLY S ;KOMORIYA AKIRA (US); ONCOIMMUNIN INC (US)) 9 May 1996 (1996-05-09) * page 15, line 8 - line 24 * ----- | 19,20 | C12Q1/00 C07K7/06 C07K7/08 C12Q1/37 G01N33/542 |
| A | EP 0 242 095 A (SCLAVO INC) 21 October 1987 (1987-10-21) ----- | | |
| | | | TECHNICAL FIELDS SEARCHED (Int.CI.6) |
| | | | C07K C12Q G01N |
| LACK OF UNITY OF INVENTION | | | |
| The Search Division considers that the present European patent application does not comply with the requirements of unity of invention and relates to several inventions or groups of inventions, namely: | | | |
| see sheet B | | | |
| The present partial European search report has been drawn up for those parts of the European patent application which relate to the invention first mentioned in the claims. | | | |
| Place of search | | Date of completion of the search | Examiner |
| MUNICH | | 5 December 2002 | Deffner, C-A |
| CATEGORY OF CITED DOCUMENTS | | T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ----- & : member of the same patent family, corresponding document | |
| X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document | | | |

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 98 90 8564

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

05-12-2002

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